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TOM LYTHGOE, CHAIR

DAVE KIRSCH

LEONARD WORTMAN

**PROCEEDING OF THE BOARD OF COMMISSIONERS
COUNTY OF JEFFERSON, STATE OF MONTANA
January 26, 2010**

Present: Commissioners Lythgoe, Kirsch and Wortman; Harold Stepper and Mike Hoffman, County Planners; Joe Carter, Road Supervisor; Matt Johnson, County Attorney; Melissa Morris, GIS Mapping Tech; Jan Anderson, *Boulder Monitor/Jefferson County Courier*; Craig Neal, Jane Hamman, Jim Madison

MINUTES

Commissioner Wortman moved to approve the minutes of January 19. Commissioner Lythgoe seconded. The motion carried.

CORRESPONDENCE

Commissioner Lythgoe noted the receipt of an e-mail from Barbara Worthan. The road name issue has been resolved to her satisfaction, so she will not be in attendance at the meeting today.

CALENDAR REVIEW

1/28 Schmaus mediation - Helena - 9:00
Meeting with Beaverhead-Deer Lodge National Forest - 1:00

COMMISSION REPORTS

EAST HELENA CITY COUNCIL

Commissioner Lythgoe reported that he and Tara Mastel met with the East Helena City Council the previous Tuesday night to discuss a business that is interested in developing near the industrial park, near East Helena. There is a city water line that runs through the property, and the business was hoping to be able to hook into the waterline. JLDC approached the city council

to see if that could happen and it doesn't appear that it could happen. The city council required immediate annexation which, under the law, can't happen. They have talked to the developer and he seems fine with this, so they will move forward.

CENTER FOR MENTAL HEALTH

Commissioner Lythgoe reported that he took part in a conference call with Center for Mental Health on Monday. They are working on resolving some issues between the central office in Great Falls and some of the outlying offices throughout the state. The largest office is in Lewis & Clark County, and they seem to be having the most problems. The board of directors has agreed to bring a consultant in to see what can be done to resolved some of the issues between the main office and satellites

DUI TASK FORCE

Commissioner Wortman reported that he attended the DUI Task Force meeting on Tuesday night. They have a lot of projects underway. They have been doing compliance checks, and they are planning a basketball tourney, plays, and more.

FIRE COUNCIL

Commissioner Kirsch reported that he attended the fire council meeting in Whitehall on the 19th. Commissioner Lythgoe asked if they discussed the agreement that is being developed between them and the county. Commissioner Kirsch stated that it wasn't discussed at this meeting; the chiefs will meet and discuss the agreement and will get back to the Commission.

DIVIDE RIDE

Commissioner Kirsch reported that he attended a meeting regarding the Divide Ride what will be headquartered at the fairgrounds this summer. Jeep owners from throughout the state gather and go on various rides and do what they can to help in the community. It was a good meeting and everyone was pleased with the outcome.

RMDC

Commissioner Kirsch reported that he attended a RMDC meeting on the 21st. One of the bigger projects that they are doing in the Boulder area is the Big Boulder Housing project.

SUBDIVISION REVIEW

VARIANCE REQUEST – VALLEY VIEW MINOR SUBDIVISION

Mike Hoffman, County Planner, presented a variance request for the Valley View Minor subdivision, located outside of Whitehall.

Mike stated that the developer has submitted a request for a variance to road standards to use 1 inch rather than ¾ inch gravel for the surface course. An additional variance has been requested to allow for a surface course of 4+ rather than 6 inches.

Mike recommended that the Commission deny the variance, due to inadequate bid estimates

submitted by the developer. The estimate for variance request lacks sufficient data to determine projected costs necessary to guarantee completion of the project as proposed. Mike noted that a subdivision improvement agreement has already been approved by the Commission, to allow for the finishing of the road to county road standards.

Commissioner Wortman asked Mike if he has a recommendation on the 1-inch versus $\frac{3}{4}$ inch gravel variation. Mike stated that the two requests could be separated, but he would leave that up to Joe Carter. Commissioner Wortman asked if there is a particular reason why they requested 4 inches of depth rather than the 6 inches. Mike stated that he can't really give a reason, other than financial reasons. This would also allow the developer to use materials from the site rather than having to haul it in. Mike said that he has more of a problem with the estimates. The developer has indicated that he would do the watering and use on-site materials, and neither option would be available to the county if we needed to finish the work. Also, the second estimate doesn't address the depth of the finish course, or cost of the engineering certifications and they wouldn't certify the sub-grade. It also doesn't include topsoil and re-seeding of ditches and back slopes.

Commissioner Lythgoe stated that the concern he has is that usually when they consider a variance, there is a good reason to do so. In looking at it, it seems that the only reasoning is that this option cost less than what was originally agreed to. He is not sure that this is a good reason to give a variance.

Joe Carter stated that he did overlook the initial drawing when first submitted. On the drawing the engineer specified that the road depth would be six inches, but then they broke it down into 3 inches of surface course and 3 inches of base course. Jefferson County road regulations state that there be a surface course of 6 inches and a base course, but we don't specify a depth for the base course. Commissioner Lythgoe asked Joe if he has a recommendation. Joe said that he did some calculating and his recommendation would be that the developer take some clay from the site to add to the existing material as binder and then purchase another inch of surface material. This would allow the developer to get to the 6 inch surface course requirement.

Craig Neal stated that the road issue has been a year-long headache. In the preliminary plat process, they proposed to build the road with three inches of crushed base and three inches of native fill compacted and it was his understanding that it was approved and they built the road to that design. He has been fighting with Joe and Mike ever since. Commissioner Lythgoe stated that according to Joe, what he proposed, we wouldn't need to grant a variance. Joe stated that this is correct, if Craig were willing to purchase another inch of material. Craig stated that he and Joe met about an hour ago and that was the first time that he heard those numbers. As a developer, hard to have a set of specifications before him, bid the project based on those specifications and then find at the end of the project that the specifications have changed. He realizes that there is more than one reason the error with the preliminary engineering report occurred.

Commissioner Lythgoe asked Craig if it is his understand that he met the requirements. Craig stated that he met the specifications that were in the engineered road design. Commissioner

Lythgoe asked how the road turned out. Craig said to be brutally honest, the road could be improved; the gravel isn't holding together as it should. As far as construction, it has a good grade and good ditches. Commissioner Lythgoe asked Craig if he thinks that all he has to do to meet the specifications of preliminary plat is to put the fines in there and compact it. Craig stated that this is his point of view. Commissioner Lythgoe asked Joe why it is important to put down that additional 1 inch of gravel. Joe said that this is what Jefferson County road standards require, six full inches of surface depth.

Commissioner Wortman asked Craig if he hired a professional engineer. Craig answered that he did. Commissioner Wortman asked who approved the engineered plan. Craig said that the design went through the planning board and the Commission.

Commissioner Wortman stated that he tends to agree that it is a convoluted situation as it was approved under those specifications.

Commissioner Kirsch stated at the previous meeting Bob Nevin was in attendance and was very upset with the condition of the road. Craig stated that the natural flow of the traffic is going to continue to go past Mr. Nevin's place. There was a brief discussion at the beginning of the process about closing that road, but that option was taken off of the table.

Mike stated that he feels that the regulations are what they are; the standards are set. Whether an engineer comes along and through a typo or omission makes a change that, the standards remain. Commissioner Lythgoe stated that Craig is asking for a variance but in reality he doesn't think that there should be a variance because he has met the conditions of preliminary plat. Mike noted that condition of approval number seven states that all roads will be constructed to county road standards, and that is six inches of surface material. We have actually bonded him to do just that.

Mike stated that it is unfortunate that the engineer had indicated three inches of material on his drawing, but in the past we have had surveyors and engineers make mistakes and he would call them and let them know that a change is needed because things don't match up. The engineer usually wants to charge the developer for the change, which the developer isn't willing to pay, but they still complete the project to county standards.

Mike said that they also need to discuss the status of Sowden Lane through the subdivision and the stop signs at the intersection of what is indicated as North 3rd but is actually East Street and Sowden Lane. The stop signs are a traffic change and there was some question as to how the Commission wanted to go about that, if a resolution is needed or if they can do this through the subdivision process.

Commissioner Wortman moved to grant the variance. Commissioner Lythgoe seconded for discussion and asked Commissioner Wortman for what reasons he moved to grant the variance. Commissioner Wortman stated that based on prior approval; the engineered road plans went through the road supervisor, the planning board and the Commission.

Harold stated that if they go back to any staff report, it states that all roads must be built to Jefferson County road standards. No matter how the engineer certifies it, it has to go to six inches.

Commissioner Lythgoe stated that the problem he is having with this is that he isn't sure that there is a need for a variance. If the developer rolls the fines into the existing roadway and does what he is supposed to do, it seems to him that the developer has his six inches. Commissioner Wortman said that it still wouldn't reach six inches; he only has between three and four inches now.

Commissioner Wortman asked what the native base material consists of. Commissioner Lythgoe said that as we don't require a certain number of inches in the base, he is having a little bit of a problem as we don't literally meet the six inches including the base and the finished surface. Joe said that we don't have a specified depth for a sub-base, but we do have a specified depth for the surface course, and that is the six inches. The base course consists of the native material in the area, dirt, rock and clay that is in the area.

Commissioner Lythgoe stated that part of the issue is that they have been in the road building business for a long time and they know that if they don't get the right amount of finish on the road, it starts to disintegrate quickly. Every time they have allowed a variance for depth, the road is falling apart in a year. The dilemma here is that a mistake was made previously, allowing for the three inches of base and three inches of surface course.

The motion carried, with Commissioners Lythgoe and Wortman voting aye and Commissioner Kirsch voting nay.

AMEND SUBDIVISION IMPROVEMENT AGREEMENT – VALLEY VIEW MINOR SUBDIVISION

Mike Hoffman, County Planner, presented an amended subdivision improvement agreement, based on the variance just granted. The letter of credit would expire May 22. The Commission needs to decide which bid to use to. Craig stated that there should be more than enough funds in the existing letter of credit to do what he is proposing. He is willing to provide access to complete the project. Commissioner Lythgoe said that since they will be using the same letter of credit, no action needs to be taken on this item at this time.

DISCUSS STATUS OF SOWDEN LANE THROUGH VALLEY VIEW MINOR SUBDIVISION

Mike stated that Melissa Morris, mapping tech has provided him with an aerial view that should be helpful. He presented the Commissioners with a map and explained the plan for the road. Mike stated that East Street is northbound then turns east and intersects what is currently called Sowden Lane. The proposal is to run Sowden Lane north through the subdivision on the newly created road in the proposal. It doesn't seem that it would impact the existing houses along the

road. Mike stated that the discussion that they wanted to have was how to go about doing this; most recently it had been decided that the County was to do addressing or road name changes by resolution. He has talked to Matt about this and at the Planning Office they feel that this can be accomplished at the filing of the final plat. Mike stated that this is up for decision at the following meeting, to give the public ample time to comment.

Melissa Morrison, GIS Mapping Tech, explained the reasoning behind continuing Sowden Lane through the subdivision. There had been talk early on about abandoning the old section of Sowden Lane, but that idea has been dropped. Commissioner Wortman noted that if they were to abandon the road, it would have to go through the petition process. Melissa agreed that this is correct. Commissioner Lythgoe stated that all of these roads are public roads, rather than county. Melissa said that none of the roads are county roads. Joe noted that East and Sowden Lane from the new intersection down to Robbins Lane are county roads that the road department maintains.

Dale Morris, who lives on Sowden Lane, stated that he spoke to Mike on Friday and requested a plat of the proposed subdivision. He received a copy of the plat in the mail and he believes that his copy is more current than Mike's as there is a discrepancy in the lot sizes. On the plat, it shows a section of Sowden Lane is to be abandoned by the County. Approximately ten years ago, he bought property at 37 Sowden Lane and was granted an easement by Margaret Robbins for that portion of Sowden Lane the County is attempting to abandon. He would have to vigorously defend his right to access on that portion of Sowden Lane. Dale stated that he is opposed to abandoning road, and in favor of leaving road name the same.

This issue will be decided at the February 2nd meeting.

DISCUSS STOP SIGNS AT INTERSECTION OF SOWDEN LANE AND NORTH 3RD

Mike Hoffman, County Planner, stated that the subdivision is conditioned for a four-way stop. The question is if this can be done through the subdivision process or if it needs to be done through a resolution. Commissioner Lythgoe stated that he feels that it can be done through the subdivision process.

REQUEST FOR TIME EXTENSION – J BAR T MEADOWS

Mike Hoffman presented a request for a time extension for the J Bar T Meadows Minor subdivision. The developer is requesting a third one-year time extension until January 30, 2011. Mike recommended that the time extension be granted.

Commissioner Lythgoe asked how many extension a developer can get. Harold stated that there is no time limitation. The reason for this extension is due to medical reasons.

Commissioner Wortman moved to grant the request for extension. Commissioner Lythgoe seconded. The motion carried.

ITEMS FOR COMMISSIONERS ACTION OR REVIEW

APPOINT TIF BOARD MEMBERS

Commissioner Lythgoe stated that five people have submitted letters of interest for the TIF board. He stated that it was decided some time ago that five people would be appointed to the TIF board. He understands that the JLDC approached people to serve on the board.

Commissioner Lythgoe moved to nominate Scott Mendenhall, Millie Baycroft, Ken Weber, John Brower and Bob Marks to the TIF Board. Commissioner Wortman seconded. The motion carried.

Commissioner Lythgoe stated that he had a conversation with Tom Harrington that morning, and he was comfortable with all of those that submitted letters of interest.

APPOINT LIASIONS TO COUNTY BOARDS

The Commissioners discussed the various county boards and decided who would be Commission liaison to each.

OPPORTUNITY FOR PUBLIC COMMENT

Jane Hamman, resident of Clancy, stated that she is here because of the Clancy Library situation. For the last several years, many of them have worked with the library trustees in survey of the needs in the north end, on the major study that Bud Siderits chaired regarding transportation patterns, various options for the library and so forth. They are rapidly reaching the conclusion that their input is not appreciated or accepted and that their offers of help are rejected. That is why she came to this meeting, because she wanted to make two points at this point in the process.

The first point is that if they as a Commission, receive a request for a budget increase or bond issue regarding the library in the north end, they would hope that the Commission would very amply notify that and give opportunity for public comment. Related to that, the Library Board is calling a special meeting on Thursday in Boulder and one of the express purposes for that meeting is to contract for a realtor to look for land in the Montana City area for a north end library. In these lean economic times, after all of the input of the last two years, they are quite puzzled about why they relentlessly continue to pursue that option. They firmly believe that the three facilities on the east campus of the Clancy School have tremendous opportunity, they are centrally located and that they can be developed both for library and community services on the north end.

Jane stated that the second point for the Commissioner's information is that this has reached the point that any of the citizens are discussing gathering signatures on a petition that would be in accordance with 22-1-701, MCA that would create a north end library district. They believe that a board representing the north end and serving the north end would be in everyone's best interest.

If this were approved by the voters we would have two library districts, one from the Boulder hill north and one from the Boulder hill south, serving the residents of Jefferson County. That would create some administrative efficiencies in that they would not be paying the transportation costs from one end of the county all the way to the other and back and forth in the management of the library and they think that the residents would probably be better served.

Jim Madison from Jefferson City stated that he wants to acknowledge that he came with Jane to increase numbers. He approves what she says and hopes that it will be taken into consideration.

Commissioner Kirsch moved to adjourn. Commissioner Lythgoe seconded. The motion carried.

MEETING ADJOURNED

ATTEST:

BONNIE RAMEY
CLERK AND RECORDER

TOMAS E. LYTHGOE, CHAIR

DAVE KIRSCH, COMMISSIONER

LEONARD WORTMAN, COMMISSIONER